

## **Remarks/Arguments**

### **Status of Claims**

- Claims 1 and 148-163 are pending.
- Claims 158-162 stand withdrawn.
- Claims 1, 148-157 and 163 stand rejected.
- Claims 1, 151 and 153 have been amended without prejudice or disclaimer.
- Claim 148 has been canceled, without prejudice or disclaimer.
- Claims 164-165 are new.

### **Rejection of Claims 148 and 151 under 35 USC 112, first paragraph, as failing to comply with the written description requirement.**

Claims 148 and 151 stand rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the written description requirement.

Claim 148 has been canceled, without prejudice or disclaimer.

Claim 151 has been amended to remove the wording “said text form signifiers not pertaining to information on the topic” which was the basis for the rejection.

Accordingly, the rejection is moot.

### **Rejection of Claim 153 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement**

Claim 153 has been amended to remove the limitation that “after said step of verification.” Accordingly, the rejection to the extent based on “If the consumer finds the toll-free number, then the product support is made available by calling the number without any verification required” has been overcome.

Claim 153 has further been amended to recite “the customer support associated with the product or service is made available in a second manner without demonstration of the text form signifiers.” Specification support is found, for example, on page 26, lines 15-21. The specification states that “a business can reduce the number of calls to customer service by charging for calls to a published number and placing signifiers that

reveal a reduced cost or toll-free customer support number throughout the instruction manual." The second manner is the published number, for which a charge is made.

Accordingly, this rejection has been overcome.

**Rejection of Claims 148, 151 and 152 under 35 U.S.C. 112, second paragraph**

The rejection of claim 148 is moot, as this claim has been canceled, without prejudice or disclaimer.

As to claim 151, as the wording "said text form signifiers not pertaining to information on the topic" has been canceled, the rejection has been overcome.

As to claim 152, the amendment to claim 151 has rendered the rejection moot.

**Rejection of claims 1 and 148-150 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,236,200 (McGregor).**

Claims 1 and 148-150 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,236,200 (McGregor).

Support for the amendment to claim 1 for the signifiers is found, for example, in the attached definition of "signifier," and is inherent in the explanation of signifier at page 22, lines 4-19 of the specification.

As to claim 1, the rejection is respectfully traversed on the grounds that McGregor fails to disclose or render obvious at least the following steps of amended claim 1:

providing to the information consumer said information in text having a plurality of signifiers inserted therein, the signifiers being an orthographic appearance of a word apart from the meaning of the word;

providing to the information consumer a signifier use instruction;

receiving an indication from the information consumer; and

determining whether the indication received from the information consumer demonstrates sufficient knowledge of said signifiers in accordance with said signifier use instruction to provide an incentive to said information consumer.

providing the incentive to said information consumer only if the indication has been determined to demonstrate the sufficient knowledge

In contrast, the method of McGregor is summarized at col. 6, lines 12-17, as follows:

In turn, the gift recipient, who is referred to herein as the seeker thereof, simply follows the clues contained on the front side of each dispensable element. The gift, or treasure, readily is found, much to the pleasure of hider and seeker, much to the joy of giver and receiver.

There is no step of receiving an indication from an information consumer, and no step of determining. Rather, the recipient of the card of McGregor simply follows the clues to obtain a treasure.

The Office Action states that:

The claim language is very broad and does not specify who performs the steps of the method. Therefore, the step of receiving could be performed by an onlooker or the consumer himself (both of which would be inherent). A step of determining could also be done by an onlooker or the consumer himself (if the consumer finds the prize, this proves to the consumer or an onlooker that the consumer knows how to read the clues).

Applicant respectfully disagrees with the Examiner's claim interpretation. The step of receiving recites: "receiving an indication from the information consumer." The Examiner's proposed claim interpretation that the consumer himself could receive an indication from himself is not a reasonable interpretation of the claim language. The Examiner's statement that McGregor inherently recites receiving an indication by an onlooker is contrary to the process described in McGregor. As noted above, in McGregor, at col. 6, lines 12-17, it is made clear that the gift recipient follows the clues until finding the gift or treasure. There is no step of providing an indication to an onlooker.

The Examiner's position that the determining could be performed by the information consumer similarly is not a reasonable interpretation of the claim language. Moreover, McGregor teaches following a series of steps; there is no step of providing an indication or determining based on the received indication.

Claim 1 has been amended to recite providing the incentive to said information consumer only if the indication has been determined to demonstrate the sufficient knowledge. Specification support may be found, for example, at page 23, lines 1-4. It is clear that McGregor does not recite providing an incentive to the information consumer only if a step of determining results in an indication of sufficient knowledge. Indeed, in McGregor, the treasure is found directly by the seeker, as noted above.

Furthermore, McGregor fails to disclose the recited signifier and signifier instructions in text. The McGregor instructional messages and task-setting messages, as described at col. 2, line 63 to col. 3, line 26, do not include signifiers, as defined in amended claim 1.

For at least the foregoing reason, the rejection of claim 1 in view of McGregor should be withdrawn.

The rejection of claims 149-150 should be withdrawn at least by virtue of the dependence of these claims from base claim 1.

In addition, as to claim 149, the recited conversion code for conversion of signifiers is not met by the language anagrams and puzzles of McGregor. For example, McGregor provides no indication or suggestion that the anagrams or puzzles are based on signifiers in text information.

As to claim 150, McGregor clearly does not include any contact information for claiming an incentive. McGregor provides the location of a treasure by following steps. It is an unreasonably broad reading of the claim language to read McGregor as proposed by the Examiner.

For these additional reasons, at least, the rejection of claims 149-150 should be withdrawn.

**Rejection of Claims 151-155 under 35 U.S.C. 102(a) as being anticipated by Sony Owner's Manual, Sony Video Cassette Recorder Model SLV-662HF, 1999.**

Claims 151-155 stand rejected under 35 U.S.C. 102(a) as being anticipated by Sony Owner's Manual, Sony Video Cassette Recorder Model SLV-662HF, 1999 ("Sony").

Claim 151 has been amended, without prejudice or disclaimer, to add the limitation: typeset consistently with the text form information, and text form instructions identifying the signifiers, wherein the instructions pertain to extracting information independent of a meaning of the text form information in which the text form signifiers are inserted.” Disclosure support is found, for example, at page 22, lines 4-19. It is thus clarified that the signifiers are independent of the meaning of the text in which they reside.

The rejection of claim 151 is respectfully traversed for at least the reason that Sony fails to disclose the steps of:

providing said text form information having a plurality of text form signifiers inserted therein typeset consistently with the text form information, and text form instructions identifying the signifiers, wherein the instructions pertain to extracting information independent of a meaning of the text form information in which the text form signifiers are inserted

verifying the information consumer’s review of the text form information by determining, based on the indication received from the information consumer, whether sufficient knowledge of the text form signifiers has been demonstrated by the information consumer, wherein the sufficient knowledge includes knowledge of signifiers in plural locations in the text form information

Sony does not disclose providing text form information having text form signifiers inserted therein typeset consistently with the text form information, text form instructions identifying the signifiers, wherein the instructions pertain to extracting information independent of a meaning of the text form information in which the text form signifiers are inserted. As taught in the specification, the instructions may extract a particular letter from a word; such a letter is independent of the meaning of the word. Sony does not include such signifiers or instructions.

The Examiner has taken the position that numerals located adjacent to one another constitute “plural locations in the text form information.” (Office Action, page 7). Without prejudice, and to expedite prosecution, the term “separated” has been added,

thereby clearly distinguishing over the Sony reference's disclosure, at a single location in the text, of a telephone number, a mailing address, and a web address.

For at least the foregoing reasons, the rejection of claim 151 should be withdrawn.

The rejections of claims 152 -155 and 163 under Section 102(a) as anticipated by Sony should be withdrawn at least by virtue of the dependence of these claims from base claim 151.

**Rejection of Claims 151, 156 and 157 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 3,926,325 (Benson).**

Claims 151, 156 and 157 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 3,926,325 (Benson).

The rejection is respectfully traversed.

Amended claim 151 includes the limitations:

providing said text form information having a plurality of text form signifiers inserted therein typeset consistently with the text form information, and text form instructions identifying the signifiers, wherein the instructions pertain to extracting information independent of a meaning of the text form information in which the text form signifiers are inserted

receiving an indication from the information consumer;

and

verifying the information consumer's review of the text form information by determining, based on the indication received from the information consumer, whether sufficient knowledge of the text form signifiers has been demonstrated by the information consumer, wherein the sufficient knowledge includes knowledge of signifiers in plural locations in the text form information

Benson fails to disclose text form signifiers and instructions as recited. Rather, Benson displays instructions that do not pertain to extracting information independent of a meaning of the text form information.

The Examiner attempts to interpret the limitation "receiving an indication from the information consumer" in an unreasonable manner to include receiving by the

consumer himself. Similarly, the Examiner unreasonably attempts to interpret the step of verifying as performed by the information consumer. As the verification is based on the indication received from the information consumer, the step of verification is necessarily performed by another. The Examiner's statement that Benson inherently provides an onlooker is simply incorrect. Under the Examiner's interpretation, Benson would teach that opening a bottle becomes a two-person operation, requiring an operator and a verifier. This is clearly an absurd interpretation, and not an inherent teaching of Benson.

For at least the foregoing reasons, the rejection of amended claim 151 as anticipated by Benson should be withdrawn.

The rejection of claims 156-157 should be withdrawn at least by virtue of the dependence of those claims from claim 151.

#### **New Claims 164-165**

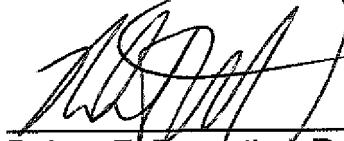
New claim 164 depends from claim 151 and recites providing an article for recording signifiers. Disclosure support is found, for example, at page 33, lines 11-16 and page 35, lines 6-9.

New claim 165 depends from claim 164 and recites that the text form information comprises instructional material relating to a product or service, and the revealed information is a toll-free customer support telephone number. Disclosure support is found, for example, at page 26, lines 8-20.

## CONCLUSION

Having fully addressed the Examiner's objections and rejections it is believed that, in view of the preceding amendments and these remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited.

Respectfully submitted,



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Robert E. Rosenthal, Reg. No. 33,450  
Howard IP Law Group, PC  
P. O. Box 226  
Fort Washington, PA 19034  
Tel: (215) 542-5824  
Fax: (215) 542-5825  
Attorneys for Applicant

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### signifier

- **noun** Linguistics a sign's physical form (such as a sound, printed word, or image) as distinct from its meaning.



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